

HOW TO ASK THE COURT FOR TEMPORARY ORDERS IN A NON-PARENT CUSTODY CASE

King County Family Law Facilitators: Instruction 7.3
King County Local Family Law Rules (KCLFLR)
Revised Code of Washington 26.10

These instructions are for parties who wish the court to enter temporary orders before trial

AND

- Have already started a Non-Parent Custody action and
- Adequate cause has already been established

NOTE: Adequate cause must be established prior to the entry of a temporary order (see KCLFLR 9 and KCLFLR 13 (d) (3)).

STEP 1: COMPLETE THE REQUIRED FORMS

This form can be downloaded at: <http://www.kingcounty.gov/courts/scforms.aspx>

- [Notice of Court Date \(Commissioners\), Kent](#) or [Seattle](#)

These forms can be downloaded at: www.courts.wa.gov/forms

- **Motion for Temporary Non-Parent Custody Order**, FL Non-Parent 423
- **Declaration**, FL All Family 135
- **Temporary Non-Parent Custody Order**, FL Non-Parent 424
- **Proof of Mailing or Hand Delivery (FL All Family 112)** or **Proof of Personal Service**, FL All Family 101 (See Step 5.)
- **Declaration: Personal Service Could Not be Made in Washington**, FL All Family 102 (if applicable)

If you are requesting a restraining order you will also need:

- Restraining Order, FL All Family 150
- [Law Enforcement Information Sheet](#), WPF ALL CASES 01.0200

If you are requesting a temporary order of child support you will also need:

- **Financial Declaration**, FL All Family 131
- [Washington State Child Support Worksheets](#), WSCSS – Worksheets

Read the “[Child Support Schedule and Instructions](https://fortress.wa.gov/dshs/dcs/SSGen/Home)” for information about how to complete the Worksheets. Online Child Support Calculation software is available at <https://fortress.wa.gov/dshs/dcs/SSGen/Home>

- **Child Support Order**, FL All Family 130 (A separate order is required for each parent obligated to pay support)
- **Sealed Financial Source Documents**, FL All Family 011
Attach copies of complete tax returns for the past two calendar years including all schedules and W2s; all pay stubs showing income for the past six months or since January 1 of the calendar year, whichever is greater; and complete partnership and/or corporate tax returns for the past two years for all partnerships and corporations in which a party has had an interest of five percent or greater.

If you are requesting a temporary residential schedule:

- **Residential Schedule (Proposed)**, FL Non-Parent 405
Before signing the final residential schedule, the court will consult the judicial information system and databases, if available, to determine the existence of any information and proceedings that are relevant to the placement of the children.

NOTE: Adequate Cause must be established prior to the entry of a temporary order (refer to LFLR 9 and LFLR 13 (d) (3)).

STEP 2: TALK TO AN ATTORNEY, IF POSSIBLE

These instructions are not a substitute for legal advice. The laws and court rules are complex and following these instructions will not guarantee you a favorable result. It is always advisable to talk to a lawyer about your problem before filing your action. If you cannot afford to hire an attorney to represent you, you may be able to pay a lawyer to give you advice and review your paperwork for less cost. Contact the King County Bar Association Lawyer Referral Line for information about limited services representation. If you cannot afford these costs, there are limited free legal services available to low income people. Contact the Facilitators’ office for a *Legal Resource List* or the King County Bar Association Lawyer Referral Line for information about resources for low income people.

STEP 3: MAKE COPIES, FILE WITH THE CLERK, AND DELIVER WORKING PAPERS

Make 4 (or more) copies of your motion papers (all forms except the Law Enforcement Information Sheet and the Proof of Mailing or Hand Delivery or Proof of Personal Service).

If you are requesting a temporary order of child support and if any of the children have ever received public assistance, you will need to make an addition set of copies for the King County Prosecutor’s Office, Family Support Section.

File the originals of the following forms with the Clerk's Office

- Notice of Court Date (Commissioners), Kent or Seattle
- Notice of Hearing, FL All Family 185
- Motion for Temporary Non-Parent Custody Order, FL Non-Parent 423
- Declaration, FL All Family 135

If you are requesting child support:

- Financial Declaration, FL All Family 131
- Washington State Child Support Worksheets, WSCSS - Worksheets
- Sealed Financial Source Documents, FL All Family 011

If applicable:

- Residential Schedule (Proposed), FL Non-Parent 405

Deliver working papers (copies of all forms) to the Family Law Motions Coordinator no later than noon, three (3) court days prior to your hearing. Copy and complete the chart below to the upper right hand corner of the first page of the set of forms you are delivering to the Commissioner:

Commissioner's Working Papers

Family Law Motions

Hearing Date: _____

Hearing Time: _____

Presented By: (your name): _____

(Your name)

STEP 4: SERVE THE OTHER PARTIES

Serve both parents and any other custodians of the child/ren as well as any other parties with a copy of your motion papers (all forms except the Law Enforcement Information Sheet and the Proof of Mailing or Hand Delivery or Proof of Personal Service) **at least 14 days prior to the hearing.**

If the Summons and Petition have already been properly served on the other parties:

You may serve these papers by delivering or mailing them yourself to the other parties (provided that no order restrains you from having contact) at least 14 days prior to the hearing. *If you are mailing the documents you must add three days to the 14 day notice requirement.* If an attorney has appeared on behalf of another party, deliver or mail to the attorney instead. After you have delivered or mailed your motion papers, fill out the Proof of Mailing or Hand Delivery form. Make one copy of this form for your records and file the original with the Clerk's Office.

If the other parties have not already been properly served with the Summons and Petition: Someone other than yourself, who is 18 years of age or older, must serve your

motion papers and a copy of the Summons and Petition on the other parties at least 14 days prior to the hearing. The Server must sign the Proof of Personal Service form after service and return it to you. Make one copy for yourself and file the original with the Clerk's Office.

If personal service is made outside the state of Washington

Note: For personal service outside of Washington State, the signature of the server must be notarized or sworn before a court clerk on the Proof of Personal Service Form (FL All Family 101).

You must also file a "Declaration: Personal Service Could Not be Made in Washington", explaining why personal service cannot be made in-state. Failure to file this form invalidates service. File the original with the Clerk and keep a copy for your records.

If your motion involves child support matters and if any of the children have ever been on public assistance, you must also deliver a copy of your motion papers to the King County Prosecuting Attorney Family Support Section.

STEP 5: CONFIRM YOUR HEARING ONLINE, BY PHONE OR IN PERSON



Your hearing will be cancelled if you don't confirm your hearing and deliver the copies to the Commissioner on time.

You can confirm by phone, in person, or online. Here is how:

Call or in person 206-477-1523 (Seattle) Room W-292 206-477-2750 (Kent) Room A1222	3 court days before your hearing between 2:30pm and 4:15pm . <u>or</u> 2 court days before your hearing between 8:30am and noon . When you call, give your case number, date, and time of hearing. The Clerk will give you a confirmation number.
Online: https://blue.kingcounty.gov/courts/superiorcourt/confirmations/default.aspx	You can confirm your hearing online starting at: Noon 3 court days before the hearing until noon of the 2nd court day before your hearing. You must give your email address, phone number, and information to identify your case. If you do not get a confirmation email, you must contact the confirmation phone number above before the deadline.

If the other parties choose to respond to your motion, they must do so by 12:00 noon 4 court days before the hearing. If you wish to reply to their responses, you must do so by 12:00 noon 2 court days before the hearing.

STEP 6: ATTEND YOUR HEARING

YOU MAY HAVE TO WAIT UP TO 3 HOURS FOR YOUR HEARING. DO NOT BRING CHILDREN WITH YOU.

You must arrive in the Family Law Department 30 minutes early to check in for your hearing. Bring the following to your hearing:

- The originals of all proposed orders
- The original Law Enforcement Information Sheet
- Your copy of all your motion papers
- A copy of the Proof of Mailing or Hand Delivery or Proof of Personal Service.

All original orders signed by the Commissioner must be filed in the Clerk's Office.

DO NOT LEAVE THE COURTHOUSE WITH THE SIGNED ORIGINAL ORDERS.

WARNING: These instructions are not a substitute for legal advice. The laws and court rules are complex and following these instructions will not guarantee you a favorable result. It is always advisable to talk to a lawyer about your problem before filing your action. You may be able to hire a lawyer for a small fee to review your completed forms and talk about your problem but not represent you in court. If you need a lawyer, contact the Family Law Facilitators' Office for a *Legal Resource List* or call the King County Bar Association Lawyer Referral Line.